

United States District Court
For the Northern District of California

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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

STEPHEN LAMBERT,
Plaintiff,
v.
UNITED STATES OF AMERICA,
Defendant.

No. C 11-725 MMC

**ORDER GRANTING DEFENDANT'S
MOTION FOR REVIEW OF CLERK'S
ACTION RE: TAXATION OF COSTS;
DIRECTIONS TO CLERK**


Before the Court is defendant's "Motion . . . Pursuant to Rule 54(d)(1) Requesting Review of the Clerk's Action Re: Taxation of Costs," filed July 26, 2013. Plaintiff has filed opposition. Having read and considered the papers submitted in support of and in opposition to the motion, the Court deems the matter appropriate for decision on the parties' respective written submissions, VACATES the hearing scheduled for September 6, 2013, and rules as follows.

By the instant motion, defendant challenges plaintiff's request for "mileage," in the amount of \$1673.14 (see Am. Bill of Costs at 2), for witness Lindsey Docherty's air travel on a commercial airline. As defendant correctly points out, plaintiff is only entitled to the amount of the actual air fare charged and paid, which, according to documents submitted by both parties, totaled \$385.80. See 28 U.S.C. § 1821 (providing "witness who travels by common carrier shall be paid for the actual expenses of travel").

Accordingly, defendant's motion for review is hereby GRANTED, and the Clerk of Court is hereby DIRECTED to tax costs in the amount of \$10,225.01.

IT IS SO ORDERED.

Dated: August 19, 2013


MAXINE M. CHESNEY
United States District Judge